IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5140 OF 2006

Gulab Namdev Holkar. .. Petitioner.

vs.

Popat Namdev Holkar

& Ors. . .. Respondents.

Mr. S.S. Salunkhe for petitioner.

CORAM : A.P. DESHPANDE, J.

DATE : 18th December, 2006.

P.C.

. An order passed by the trial court allowing the application moved by the mother of the plaintiff under Order 1 Rule 10 has given rise to the filing of this petition. The present petitioner who is the plaintiff instituted a suit for injunction, removal of encroachment and possession.

2. The suit is filed on the basis of an partition, which according to the plaintiff was already effected. The mother of the plaintiff claims that the suit property is an ancestral joint family property and the same has not been partitioned. Thus, she claims a share in the suit

property. In this fact situation the application moved by the mother of the plaintiff to implead her as party defendant has been allowed by the trial court.

3. Perused the order. The order does not suffer from any illegality or impropriety but tries to achieve final adjudication in the matter. No interference is called for. Writ petition is summarily dismissed.

(A.P. Deshpande, J.)